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Energy and Technology Committee
February 17, 2009
Testimony of Martin Mador
In Support of
HB5995 AAC The Right to Dry

Moving Connecticut from
Conspicuous Consumption to Conspicuous Conservation

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the Legislative and Political Chair of the Connecticut Sierra Club, and am here today representing our 10,000 Connecticut members concerned about the health of our environment, our economic prosperity, and our quality of life. I possess a Master's of Environmental Management degree from Yale.

I am the proponent and the original author of HB5995, so let me explain why the significance of the bill transcends its simplicity.

I'll start with a few questions.

If you could do something simple which would help make a better world for your children, would you?

What if it saved you some money?

What if it made the world today a little cleaner and a little safer?

What if it helped to assure the economic security of America?

Now, how would you feel if you were arbitrarily prohibited from doing so?

We are talking about clotheslines, and that is the situation for 1 of every 6 Americans- those who live in condo and homeowner associations, where aesthetics are the reigning priority.

The claim has been made that allowing clotheslines would tread on the property rights of those who prefer not to see them. This turns reason on its head. It is the rights of those who wish to save energy, to save money, and ultimately, to save our livable planet, which are endangered by those who selfishly wish to put their aesthetic issues first.

The bill as drafted contains softening language which would permit an association to use their discretion to decide where to permit the clotheslines. It allows them to incorporate aesthetic concerns, as long as some opportunity is provided.

This bill is not a mandate, it is enabling legislation. It doesn't require anyone to use clotheslines, but it grants them the freedom to do so, *if they so choose*. It is a bill even a libertarian could love.

Using a clothesline saves energy. It saves money. It reduces fossil fuel use, and the use of

imported oil. It reduces greenhouse gas emissions, and so reduces global warming. It makes your clothes smell fresh. It reduces wear and tear on your clothes, and disinfects them with sunlight. If that were not enough, it helps you connect with your ancestors.

Most condo and homeowner associations prohibit air drying. In many cases, this restriction was not actually voted on by the tenants, but inserted in the founding Declarations by the builder. You will see these on file in the land records of the town. Changing them may require a process with a vote of far more than a simple majority of the tenants.

The Community Associations Institute, which represents many condo associations, has expressed their concerns about the bill. I've spoken with them, and invited them to propose language which would ameliorate their concerns. They said they don't have any to offer.

A question was raised about this bill violating the contracts clause of the Constitution. Does it impermissibly break existing contracts? A legal brief prepared at my request by the Yale Law School Environmental Protection Clinic demonstrates that it does not. The proposed bill fully meets the three tests required by *Energy Reserves Group v. Kansas Power & Light*, 459 U.S. 400 (1983), the controlling Supreme Court decision. The bill is not a substantial impairment of the contract (it just changes a term of the by-laws), there is a legitimate public purpose (protection of natural resources), and the solution is appropriate and confined to the problem.

Fundamentally, we have an energy crisis in America. We risk permanently altering the environment of our planet. We consume far more energy per capita than any other country. Almost all now acknowledge that conservation and efficiency are the preferred routes to a solution. In many ways, we do encourage people to conserve energy. In the case of this enabling legislation, we are looking to give people the freedom to conserve, if they so wish.

Make no mistake, this is an important bill, in part because it launches discussions we need to have, in part because it allows individuals to take action to support values we have come to respect and need.

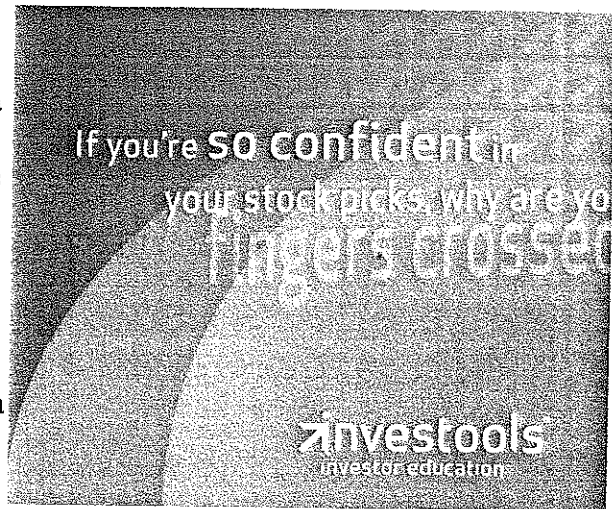
Courant.com

Support 'Right To Dry' Law

February 4, 2008

You of tender years may be unaware of this, but there was once another way to dry laundry besides putting it in the dryer. People would suspend a thin rope called a "clothesline" in their yards and attach damp laundry to the line with wooden devices called "clothespins." The sun and wind would dry the clothes in a couple of hours, after which they would be collected, folded and put away.

This quaint practice is beginning to make a comeback across the country (see www.laundrylist.org). Grandma was an environmentalist. Clothes dryers account for 6 to 10 percent of household energy use and emit up to a ton of carbon dioxide each year. Wind and sunlight are free, and expend no fossil fuel. Hanging the laundry is a way for an individual to make a difference. It is in tune with Gov. M. Jodi Rell's OneThing campaign (see www.onethingct.com), which urges residents to do one thing a day to save energy.



However, many condo and homeowner associations, and a few communities, prohibit outdoor clotheslines, mostly for aesthetic reasons. The Sierra Club and others are proposing a bill for the upcoming legislative session that would prohibit restrictions on the use of clotheslines. Such "right to dry" laws are being proposed in many states, and have been passed in a few. We support the concept, with reasonable accommodation for aesthetic concerns.

Homeowner associations should be able to direct outdoor clothes-drying to inconspicuous locations. They should be able to require that clotheslines be stored when not in use; that's relatively easy. Beyond that, the imperative to save energy and reduce CO2 emissions should trump the constant and uninterrupted view of the lawn. We need to live less wastefully.

Besides, many people like the smell and feel of clothes dried in the sun. And the fabric doesn't slowly disintegrate into the lint filter. Let's pass the bill, and not leave it hanging.

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Hanging on
Opponents
worry that the
lines will lower
property values

LIVING

The Right to Dry. Neighbors are battling over whether the clothesline is an energy saver or an eyesore

BY ELISABETH SALEMME

A SIMPLE PIECE OF ROPE HANGS BETWEEN some environmentally friendly Americans and their neighbors. On one side stand those who have begun to see clothes dryers as wasteful consumers of energy (up to 6% of total electricity) and powerful emitters of carbon dioxide (up to a ton of CO₂ per household every year). As an alternative, they are turning to clotheslines as part of what Alexander Lee, founder of the advocacy group Project Laundry List, calls "what-I-can-do environmentalism."

But on the other side are people who oppose air-drying laundry outside on aesthetic grounds. Increasingly, they have persuaded community and homeowners associations (HOAs) across the U.S. to ban outdoor clotheslines, which they say not only look unsightly but also lower surrounding property values. Those actions, in turn, have sparked a right-to-dry movement that is pressing for legislation to protect the choice to use clotheslines.

At least 10 states currently limit the ability of HOAs to restrict the use of energy-saving devices like solar panels, but only three states—Florida, Hawaii and Utah—have laws written broadly enough to protect clotheslines. Right-to-dry advocates argue that there should be more.

Matt Reck is the kind of eco-conscious guy who feeds his trees with bathwater and recycles condensation drops from his

air conditioners to water plants. His family also uses a clothesline. But on July 9, Otto Hagen, president of Reck's HOA in Wake Forest, N.C., notified him that a neighbor had complained about his line. The Recks ignored the warning and still dry their clothes on a rope that extends from their swing set to a pole across the yard. "Many people claim to be environmentally friendly but don't take matters into their own hands," says Reck, 37. HOA's Hagen has decided to hold off taking action. "I'm not going to go crazy," he says. "But if Matt keeps his line and more neighbors complain, I'll have to address it again."

North Carolina lawmakers tried and failed earlier this year to insert language into an energy bill that would expressly prevent HOAs from regulating clotheslines. But the issue remains a touchy one with HOAs and real estate agents. "Most aesthetic restrictions are rooted, to a degree, in the belief that homogenous exteriors are supportive of property value," says Sara Stubbins, executive director of the Community Association Institute's North Carolina chapter. In other words, associations worry that housing prices will fall if

prospective buyers think their would-be neighbors are too poor to afford dryers.

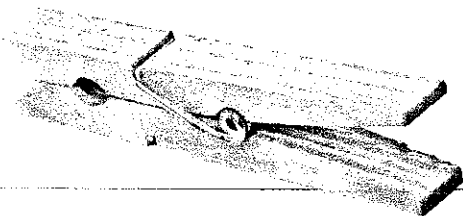
Project Laundry List's Lee dismisses the notion that clotheslines depreciate property values, calling that idea a "prissy sentiment" that needs to change in light of global warming. "I understand the need for communities to legislate taste, but people always find a way around it," he says. "The clothesline is beautiful—gorgeous, sentimental and nostalgic for many."

Indeed, nostalgia can be an additional motivating factor, especially for elderly peo-

'Many people claim to be environmentally friendly but don't take matters into their own hands.'

—MATT RECK, WHO DEFIES CLOTHESLINE RESTRICTIONS

ple who have used clotheslines throughout their lives. Mary Lou Sayer, who is over 85, dried her clothes outside when she was young and hoped to do so again when she moved to a Concord, N.H., retirement village three years ago. She has proposed a change to the community's clothesline ban twice. Her second pitch was voted down unanimously in late October. Her best chance now rests with a bill that state representative Suzanne Harvey plans to introduce in 2008 that would say hanging laundry outside cannot be fully prohibited. "We all have to do at least something to decrease our carbon footprint," Harvey says. "And once you start seeing your nice neighbors hanging clotheslines, that can take down stereotypes." In the meantime, Sayer is considering hanging a line in protest. "Most of my friends aren't taking energy issues seriously," she says. ■



Los Angeles Times

From the Los Angeles Times

Is your clothesline illegal?

In places where the practice is banned as an unsightly nuisance to neighbors, right-to-dry activists and blogging eco-moms are forming an alliance.

By Alexandria Abramian Mott

February 7, 2009

When clothes dryers account for at least 6% of the electricity used by U.S. households, is it any wonder that line-drying is coming back? In places where the practice is banned as an unsightly nuisance to neighbors, right-to-dry activists and blogging eco-moms are forming an alliance. Their cause: to reduce energy consumption and to call upon sunlight rather than bleach to get those whites even whiter.

The movement also includes homeowners pinched by rising electric bills as well as some celebrity converts. Yes, there's even a blog dedicated to tracking who's who in L.A. line-drying. (For the curious, it's blog.linedryit.com/eco_facts/, which lists the likes of "The O.C." actress Rachel Bilson and singer Olivia Newton-John.)

Sophie Uliano, a resident of the Brookside area near Hancock Park, went so far as to hire a specialist to maximize the length of her clothesline in a small backyard dominated by a pool.

"It was one of my chores as a child growing up in Surrey, England," Uliano said. "I'll never forget the smell of burying my head in a basket of line-dried laundry. I still do it."

Uliano, who hangs about 90% of her laundry during the summer and about 60% of it in winter, said no one has complained except for her husband, who always wants it taken down before guests come over.

For her, she said, "The fact that I line-dry my clothes is like a badge of honor."

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A 2001 Department of Energy report estimated that electric clothes dryers accounted for about 5.8% of total electricity usage in U.S. homes -- a startling figure given that the same report said all indoor and outdoor lighting in American homes constitutes only 8.8% of electricity usage. Plus, the 5.8% attributed to dryers does not include electricity needed to power the motors of gas-heated dryers.

Still, some people see nothing purposeful or poetic in the image of clean sheets blowing in the wind.

"Homeowner associations recognize that if people throw their clothes over their fences and patio walls that their homes won't be as aesthetically attractive," said Richard S. Monson, president of the California Assn. of Homeowners Assns. "We're criticized for this, but what it's doing is protecting home values."

It's not just the beige-on-approved-beige gated communities that often prohibit line-drying. Homeowner associations at retirement communities, mobile home parks and condos often prohibit the practice. Elleven, Los Angeles' first condo building to receive the U.S. Green Building Council's gold LEED rating for environmentally conscious design, has sustainable bamboo flooring -- but line-drying? That's still strictly verboten, building manager Matthew Davidson said.

Real estate broker Margaret Goedeke lives in Newport Crest, a cluster of beachfront condominiums where open garage doors, flag poles and clothing lines are all prohibited. "We're not even allowed to hang a towel outside,"

Goedeke said. "Once in a while we'll dry something on our deck, but we hide it. We're very controlled."

These kinds of rules drove British film producer Steven Lake to make "Drying for Freedom," a documentary on line-drying in the U.S. that he said is in pre-production.

"The matter of wasted energy is something that draws my attention to this topic," he said. "But mostly it's the fact that in America, which to the rest of the world is considered to be the land of the free, citizens are banned from something as simple and silly as hanging out their washing."

According to Lake, Southern California will play a particularly large part in the project.

"Not only is that part of the United States full of HOAs, but it is particularly hot, so there is no excuse not to do it," he said.

If line-drying as a plot line sounds about as scintillating as watching compost decompose, get this: Lake's film will feature one extreme case. "We're including feuding neighbors in Mississippi where one man purportedly shot and killed another due to a dispute over a washing line. He didn't want to see the laundry from his window."

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In her 20 years of drying clothes in her Van Nuys backyard, Kathy Arnos is happy to report she has yet to receive a death threat.

"Nobody has ever complained, because it's completely private," said Arnos, who is line-less, preferring to hang her clothes from patio chairs and umbrellas. "And even if they could see my clothes, I seriously doubt it would lower my property value."

Arnos' boyfriend, David Bower, also avoids the dryer. But instead of using his backyard in Hollywood, Bower hung two lines inside his garage.

"I worried that someone would take my clothes from my backyard," he said. "And this way, I don't have to worry about weather conditions."

In L.A., renters and condo owners even post tips about undercover line-drying on websites such as laundrylist.org.

"Not everyone has a half-acre in the Palisades to dry their clothes," said Uliano, who is the author of the eco-guidebook "Gorgeously Green."

"I suggest that people who don't have a yard do it the Italian way by getting a good old drying rack and placing it near an open window for the day."

These are tactics that even Monson might agree with.

"We're not against line-drying," he said. "Not using dryers can be a good thing, especially in these economical times. We're asking that residents do so with some discretion."

Discretion is something Dean Fisher misses. Fisher, a 25-year-old interior designer, likes to line-dry from her Highland Park bungalow apartment. But her neighbor laid claim to a communal brick patio by tying rope between a fence and a tree.

"Oftentimes, I'll have to fight my way through damp sheets as if I'm trailblazing in the rain forest," Fisher said. "Or I'll invite my friends out onto the patio only to be greeted by Dora the Explorer footie pajamas and old-lady bras. Ewww."

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Airing Their Wet Laundry

Hearing Today On 'Right To Dry' Bill

By BILL LEUKHARDT

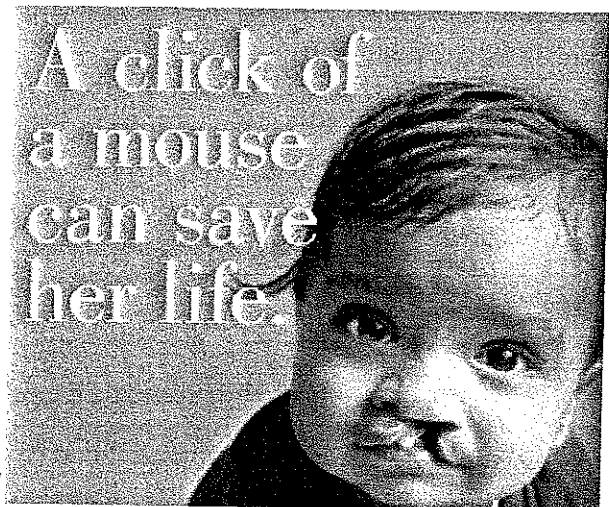
Courant staff writer

February 28, 2008

It sounds implausible, but your grandmother's solar panel — the backyard clothesline — will be discussed today by a state energy committee that usually tackles far more complex issues.

The hook is a "right to dry" bill that would give people the option of drying laundry outside, even if they live in a development with bylaws that ban outdoor clotheslines.

Proponents say the clothesline reduces fossil fuel consumption, cuts household utility bills, minimizes carbon dioxide emissions and gives people an easy way to slow global warming.



"It makes sense," said state Rep. Steve Fontana, D- North Haven, House co-chairman of the General Assembly's energy and technology committee, which will air the "right to dry" proposal at a 10:30 a.m. public hearing.

"We do have the highest electricity prices in the nation. Having the freedom to dry [on a clothesline] helps save money and contributes to the safety of the planet," Fontana said Wednesday. "I think it's the first time we've had such a proposal here."

It was unclear Wednesday whether anyone planned to speak against the proposal today, but a national group that represents the interests of homeowners associations says decisions on clotheslines should be made by individual homeowners groups, not the government.

Florida passed the nation's first "right to dry" bill. Vermont and New Hampshire are considering similar bills this spring.

Alexander Lee, director of Project Laundry List in Concord, N.H. — which has pushed since 1995 for

unrestricted clothesline use — calls clotheslines "a gateway drug to better environmental behaviors."

Gas and electric dryers account for at least 6 percent of the nation's residential energy use, the group states, so a modest investment of a few dollars for rope and clothespins can make a difference in reducing energy consumption.

In Connecticut, no one seems to know exactly how many people live in condominium complexes and other housing associations with policies banning outside drying of laundry.

The state chapter of the national Community Associations Institute represents more than 250 community associations that have at least 50,000 homeowners. Kim McClain, the chapter's executive director, said the group has no firm estimate how many member associations restrict clothesline use.

"Normally, aesthetics is the issue," she said. "Some associations even have rules governing what kind of plants you can have outside. The key is to know the rules of where you're buying."

McClain said this is the first time she's heard of a Connecticut bill addressing clothesline use in community associations.

She said the Community Associations Institute supports what its national leaders call "thoughtful environmental stewardship."

However, the final decision should be left to the homeowner-volunteers elected to boards of individual associations, not to the government, according to a statement from the institute's national office.

Martin Mador, legislative and political chair of the state chapter of the Sierra Club, wrote the original proposal that became House Bill 5596 An Act Concerning The Right To Dry.

"The real driver to this is the global warming crisis we face," said Mador, who will have a 9:30 a.m. press conference in the Legislative Office Building. The bill includes language to give associations control as to where clotheslines might be used in a complex.

"This bill goes to what an individual can do," Mador said. "It doesn't force anyone to use a clothesline."

Today's hearing on the clothesline bill and five other energy proposals begins at 10:30 a.m. in Room 1-B of the Legislative Office Building.

Contact Bill Leukhardt at bleukhardt@courant.com.

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Connecticut Sierra Club
2008 Right to Dry Legislation
Moving from Conspicuous Consumption to Conspicuous Conservation

Doonesbury, May 7-12, 2001



